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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,290	01/16/2002	Kristi Cordova	100110484-1	7024

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
	3627

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/050,290	CORDOVA, KRISTI	
	Examiner	Art Unit	
	Ronald Laneau	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 January 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8, 10-15, 17, 18 and 20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8, 10-15, 17, 18 and 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

Response to Amendment

1. The amendment filed on 1/5/05 has been entered. Claims 9, 16 and 19 are canceled and claims 1-8, 10-15, 17, 18 and 20 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-15, 17, 18 and 20 are rejected under 35 U.S.C. 102(e) as being by anticipated by Peyrelevade et al (US 2001/0120550 A1).

Peyrelevade et al teach a system including the steps of: at least one reseller's electronic site, each such site arranged to display information pertaining to products that are selectable by a user, said products provided to said reseller from a source independent (third party) from said reseller (page 9, [0102], lines 5-9); at least one database (fig. 3, 3600) controlled by said independent source (third party), said database (fig. 3, 3600) arranged to contain information specific to said source's modules that are displayable to said user via said reseller's electronic site (page 6, [0070], lines 1-3); and at least one communication link 2300 controlled jointly by said source and said reseller (fig. 2), the link used to electronically distribute the latest version of the data to said reseller, the timing of said distribution determined by said source (page 3, [0041], lines 1-19), accepting a purchase order for a user selected product under control of said source

location block [108-110]; controlling delivery of said product to said user by said source location; and concurrently while said order is being accepted by said source location maintaining a commercial relationship between said user and the reseller to which said user is then electronically connected (see fig. 3); a system wherein said source-controlled database can communicate to a plurality of electronic sites, each controlled by a different reseller (fig. 3), wherein further comprising means for causing the distribution of product data to a plurality of reseller's electronic sites, such that the product data will be uniformly displayed to an accessing user regardless of which one of said plurality of reseller's electronic sites said user accesses (page 11, [0127], lines 1-6), and wherein further comprising: at least one second communication link established from said source database to an accessing user at a reseller's electronic site such that said accessing user may receive certain data directly from said source database while said accessing user remains in communication with said reseller's electronic site, said second communication link independent from said first-mentioned communication link (page 5, [0061], lines 1-8). Peyrelevade et al teach establishing a transactional relationship between a user and said reseller (fig. 3, 2300); receiving from said user a specific request; and communicating said user's request to said source (third party, fig. 3); and said method further including the steps at said source of: receiving user requests from said resellers; and directly fulfilling each said request from said source to said user while still maintaining said established transactional relationship (fig. 3), wherein said maintained transitional relationship controls of payment between said user and reseller (page 9, [0110], lines 1-7).

Response to Arguments

4. Applicant's arguments filed 1/5/05 have been fully considered but they are not persuasive.

Applicant argues that the rejection does not show "electronic distribution of the latest version of data" as claimed but Peyrelevade et al discloses in box [0127] "creating and distributing (electronically) to the subject a computer program (latest data) configured to run on the subject's workstation or computer." Applicant further argues that Peyrelevade et al do not disclose "allowing a user to directly access an electronic version of a product from the source of the product." The source in this particular case is considered to be the third party disclosed by Peyrelevade et al. which allows a transaction between a user and a reseller wherein a source (third party) separate from the reseller delivers the product. Peyrelevade et al does disclose completing a transaction by allowing a user to purchase a product. Applicant's arguments have been found unpersuasive, the Examiner maintains that the Final action was proper as detailed in previous Office action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

rl

Ronald Laneau 3/31/05
Primary Examiner